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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,473

Applicant(s)

HAN, SANG HYUN

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bagchi et al (5,737,400 hereinafter Bagchi).

Regarding claim 33. Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook (Title, abstract, columns 1-4 especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Regarding claim 34. Bagchi teaches wherein the information service provider is an advertiser (col. 4 lines 54-67) and wherein the text message from the information service provider is an advertisement (col. 4 lines 54-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bagchi et al (5,737,400 hereinafter Bagchi) in view of Garland et al (5,999,526 hereinafter Garland).

Regarding claim 35. Bagchi does not explicitly show using an identifier for identifying the intended recipient of service provider information. However, Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67) which would inherently/obviously require using an identifier to identify subscriber's receiving service provider information.

Garland teaches a method and apparatus for delivering data from an information provider (Title, abstract) wherein customer's can specify what type of information that they would like to receive and direct the service provider to deliver the data on a periodic or event driven basis (columns 1-6).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the teachings of Bagchi to allow subscriber's select what type of information they would like to receive as taught by Garland allowing the service provider to non-disruptively deliver the requested data on a scheduled or event driven basis as taught by Garland.

3. Claims 1-7, 10-14, 17-18, and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassler et al (5,751,795 hereinafter Hassler) in view of Bagchi et al (5,737,400 hereinafter Bagchi).

Regarding claims 1 and 20. Hassler teaches an apparatus for transmitting and receiving a message using caller id (figures 1-6, col. 3 lines 54-58), comprising:

a first communication device (see administer #122 figure 2, #122 and #216 figure 4, col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19) having an embedded circuit to receive, modulate, and transmit information;

a cable/mobile communication company (see telephone communication company #100 figures 1 and 2, col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19) device configured to receive the information from the first device, the cable/mobile communication company switching device having an embedded circuitry for demodulating and transmitting the information; and

a subscriber device (see subscriber devices #120 and #121 figures 2 and 4, col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19) configured to receive the information from the first communications device through the cable/mobile communication company switching device and the communication network, the subscriber device having a display unit and an embedded circuit to demodulate and identify a sender of the information.

According to Applicant's newly amended claims and brief remarks regarding the newly added claim language, Hassler does not explicitly show identifying a telephone

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number associated with the service provider (see newly amended claim language and Applicant's remarks starting on page 13 and continuing on 15 of paper number 5 dated 5/14/02).

Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook (Title, abstract, columns 1-4 especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the invention as taught by Hassler to use no-ring access as taught by Bagchi so that caller-id may be analyzed to determine if the incoming call is from a information provider allowing for stock brokerage firms to communicate with subscribers' premises equipment.

Regarding claim 2. Hassler shows the subscriber device (subscriber devices #120 and #121 figures 2 and 4, col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19) displays the information and the identity of the sender on the display.

Regarding claim 3. Hassler shows the information is a text message (see user defined message column 4 line 8, see broadcast message designed to be transmitted to a plurality of subscribers column 5 lines 1-4).

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Regarding claim 4. Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook (Title, abstract, columns 1-4 especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Regarding claim 5. Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook (Title, abstract, columns 1-4 especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Regarding claim 6. Hassler teaches transmitting and receiving a message using a caller ID (figures 1-6, col. 3 lines 54-58), comprising:

providing information of at least one message recipient (see #122 figures 2 and 4, #216 figure 2 where the customized message includes the telephone numbers of intended subscribers #120 and #121 figures 2 and 4) and a message to be transmitted to the at least one message recipient;

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modulating the at least one message recipient's information, with the message and information of a message provider (col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19); and

transmitting the modulated information of the at least one message recipient (col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19), the message (col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19).

According to Applicant's newly amended claims and brief remarks regarding the newly added claim language, Hassler does not explicitly show identifying a telephone number associated with the service provider (see newly amended claim language and Applicant's remarks starting on page 13 and continuing on 15 of paper number 5 dated 5/14/02).

Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook (Title, abstract, columns 1-4 especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the invention as taught by Hassler to use no-ring access as taught by Bagchi so that caller-id may be analyzed to determine if the

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incoming call is from a information provider allowing for stock brokerage firms to communicate with subscribers' premises equipment.

Regarding claims 7 and 14. Hassler does not explicitly show using FSK. However, Applicant's state that any modulation method may be used (see specification page 10 lines 9-10, page 11 lines 10-11). Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassler to use conventional caller id modulation (see Hassler col. 3 lines 54-58) as well as any other modulation method as disclosed by Applicant's in specification pages 10 and 11 so that caller id information may be displayed.

Regarding claims 10-11. Hassler shows that a keypad may be used or a predetermined feature button may be used to enter and send the message (column 4 lines 3-67).

Regarding claim 13. Hassler shows a method for transmitting and receiving a messaging using caller id (see subscriber devices #120 and #121 figures 2 and 4, col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19).

According to Applicant's newly amended claims and brief remarks regarding the newly added claim language, Hassler does not explicitly show identifying a telephone number associated with the service provider (see newly amended claim language and Applicant's remarks starting on page 13 and continuing on 15 of paper number 5 dated 5/14/02).

Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook (Title, abstract, columns 1-4

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especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the invention as taught by Hassler to use no-ring access as taught by Bagchi so that caller-id may be analyzed to determine if the incoming call is from a information provider allowing for stock brokerage firms to communicate with subscribers' premises equipment.

Regarding claim 17. Neither Hassler nor Bagchi show providing the service before payment. Hassler and Bagchi teach subscribers that subscribe for service provided by service providers. It is well know in the art of billing to either pay before service or pay when the service is provided. Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the teaching of Hassler in view of Bagchi to provide service to a subscriber so that money may be collected either prior to the service being provided or after the service has been provided as is well known in the art of telephony billing.

Claims 18 and 31 are rejected for the same reasons as claims 6 and 13 since claims 18 and 31 are a combination of claims 6 and 13.

Regarding claims 21-22. Bagchi teaches a no-ring access telephony system wherein caller-id is received and analyzed to determine whether or not to go off-hook

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(Title, abstract, columns 1-4 especially column 3 line 40+). Bagchi invention provides no-ring access to telecommunication devices at subscriber's premises via PSTN for various applications such as screen telephony, downloading of information, PC telephony, display-based marketing (col. 4 lines 54-67) allowing subscribers to communicate with, for example stock brokerage firms, etc. (col. 4 lines 54-67).

Regarding claim 23. Hassler shows the identity (col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19) uniquely identifies the input circuit.

Regarding claim 24. Hassler shows that a keypad may be used or a predetermined feature button may be used to enter and send the message (column 4 lines 3-67).

Regarding claims 25-26. Hassler shows a communication circuit (see telephone communication company #100 figures 1 and 2, col. 3 lines 54-67, col. 4 lines 3-67, col. 5 lines 1-65, col. 6 lines 1-59, col. 7 lines 17-19) to receive the modulated data and transmit it to the subscriber.

Regarding claim 27. Hassler shows a conventional telephony switch public network (figure 1, col. 3 lines 45-67).

Regarding claim 28. Neither Hassler nor Bagchi explicitly show wireless communication. However it is well known to use wireless communication for advertisement. Therefore, it would have been obvious for any one of ordinary skill in the art to modify the teachings of Hassler in view of Bagchi to use wireless communication as is well known for advertising.

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Regarding claim 29. Hassler shows using a display (column 3 lines 54-67).

Regarding claim 30. Hassler shows a telephone with a caller id display (column 3 lines 54-67).

4. Claims 8-9, 15-16, 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassler et al (5,751,795 hereinafter Hassler) in view of Bagchi et al (5,737,400 hereinafter Bagchi) further in view of Stumm (5,768,528).

Regarding claims 8-9. Hassler does not show performing steps a and b while on-hook.

Stumm discloses that the advertiser can select to have the message sent at a predefined time (column 2). Stumm even discloses that the subscriber terminal can request that the service provider to send the advertisement automatically which means that the service providers terminal is on-hook (col. 3 line 55, col. 5 lines 35-39, lines 57-67). Stumm even allows for time correction for subscribers living in different time zones (column 6). Stumm even shows that advertisers can limit who access and at what times are allowed for access (column 9).

It would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassler in view of Bagchi to allow the advertiser's select times that messages can be sent and what times the subscribers are allowed to receive the advertisements as taught by Stumm so that access to news and advertisements may be controlled.

Regarding claim 15. Hassler does not explicitly show icons are used.

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Stumm shows in figure 1 that a plurality of subscribers #26 can receive news and advertisements from publishers #24. Stumm shows that different publisher's and corresponding news and advertisement images may be transmitted to the subscriber's terminal and stored in memory so that the subscriber can select which newspaper to read (figure 10) when they so desire (column 11).

It would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the message as taught by Hassler in view of Bagchi to include advertisements from different newspapers as taught by Stumm so that subscriber's may receive and store news and advertisement images at their terminals from different newspapers enabling for later scrolling/retrieval of news and advertisements.

Regarding claim 16. Hassler does not show the advertisement listed by the caller information.

Stumm shows in figure 1 that a plurality of subscribers #26 can receive news and advertisements from publishers #24. Stumm shows that different publisher's and corresponding news and advertisement images may be transmitted to the subscriber's terminal and stored in memory so that the subscriber can select which newspaper to read (figure 10) when they so desire (column 11).

It would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the message as taught by Hassler in view of Bagchi to include advertisements from different newspapers as taught by Stumm so that subscriber's may receive and store news and advertisement images at their terminals

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from different newspapers enabling for later scrolling/retrieval of news and advertisements.

Regarding claim 19. Hassler does not show storing the advertisement in the memory of the subscriber device.

Stumm shows in figure 1 that a plurality of subscribers #26 can receive news and advertisements from publishers #24. Stumm shows that different publisher's and corresponding news and advertisement images may be transmitted to the subscriber's terminal and stored in memory so that the subscriber can select which newspaper to read (figure 10) when they so desire (column 11).

It would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the message as taught by Hassler in view of Bagchi to include advertisements from different newspapers as taught by Stumm so that subscriber's may receive and store news and advertisement images at their terminals from different newspapers enabling for later scrolling/retrieval of news and advertisements.

Regarding claim 32. Hassler does not show storing the advertisement in the memory of the subscriber device.

Stumm shows in figure 1 that a plurality of subscribers #26 can receive news and advertisements from publishers #24. Stumm shows that different publisher's and corresponding news and advertisement images may be transmitted to the subscriber's terminal and stored in memory so that the subscriber can select which newspaper to read (figure 10) when they so desire (column 11).

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It would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the message as taught by Hassler in view of Bagchi to include advertisements from different newspapers as taught by Stumm so that subscriber's may receive and store news and advertisement images at their terminals from different newspapers enabling for later scrolling/retrieval of news and advertisements.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600